

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**GOLF 255, INC., Debtor,**

**Appellant,**

**v.**

**ROBERT EGGMANN, Trustee in  
Bankruptcy for Golf 255, Inc.,**

**Appellee.**

**Case No. 07-mc-15-DRH**

**ORDER**

**HERNDON, District Judge:**

Before the Court is the appellee Chapter 11 Trustee in Bankruptcy's ("Trustee") Motion to Dismiss Appeal (Doc. 13). The reason a dismissal is sought is because previously in this matter, the Court, in its Order issued March 14, 2007 (Doc. 12), denied the Appellant's Emergency Motion to Stay (Doc. 1), approved of the sale of substantially all of the Debtor's assets (a golf course) and thereby rendered the appeal moot. Appellant has not responded to the Motion to Dismiss. Pursuant to **11 U.S.C. § 363(m)**, because a stay was not granted, there is nothing the Court could do to affect the validity of the sale. Therefore, the Court agrees with the Trustee that the purpose of the appeal is now moot and should therefore be

dismissed. Accordingly, the Court **GRANTS** Appellee's Motion to Dismiss Appeal (Doc. 13). This matter is hereby **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

Signed this 8<sup>th</sup> day of June, 2007.

/s/ David RHerndon  
**United States District Judge**